Remarks

Claims 63, 64, 66-73 and 75-103 are pending. Claims 1-30, 48-52- 55-62 and 74 have been canceled. Claims 31, 47, 53, 54 and 65 have been withdrawn from consideration. Claims 66, 98 and 103 have been amended. No claims have been added.

Rejections

Claims 66-70, 72-73, 76-82, 87-103 stand rejected under 35 USC § 102(b) as being anticipated by Olsen (U.S. Patent 5,620,613).

Claims 63, 64, 66-73, and 75-103 stand rejected under 35 USC § 103(a) as being unpatentable over Olsen.

As will be shown in the following remarks, all of the claims are allowable over these references.

The Amendments

Claims 66, 98 and 103 have been amended. Support for the amendments to claims 66 and 98 may be found, for example, at page 18, line 15 to page 19, line 7. Additional support for the amendment to claim 98 may be found, for example, in the drawings. Support for the amendment to claim 103 may be found, for example, in the drawings.

The Invention

The present invention is directed to a retroreflective article that comprises a carrier (either an elongate carrier or a common carrier) **and** a plurality of discrete segments of **retroreflective sheeting**. The retroreflective sheeting used to provide the discrete segments comprises a layer of optical elements and one or more additional layers. This would be clearly understood by one in the art. See, for example, the specification at page 2, lines 7-10 and 22-25; page 3, lines 1-5; and page 13, lines 1-11 where a general description of retroreflective sheeting is taught. See also the various references cited in the specification at page 14, lines 1-11 where specific reference is made to several patents that contain illustrative examples of retroreflective sheeting useful in the

invention. Examination of these patents shows that retroreflective sheeting is understood by those in the art to comprise a layer of one or more retroreflective elements in combination with at least one or more other layers, such as an adhesive, a support layer, a top (or cover) layer etc.

The invention as set out in claim 66 further comprises a plurality of segments that are spaced apart from one another by a minimum gap that prevents the segments from contacting one another when the article is bent by a predetermined bend radius.

The invention as set out in claim 98 further comprises a plurality of segment spaced apart from one another by substantially the same distance. This distance is adequate to prevent the segments from contacting one another when the article is bent by a predetermined bend radius.

The invention as set out in claim 103 further comprises segments that are repetitive, sequential, secured in alignment on the carrier, and are substantially equally spaced apart from one another.

The Reference

Olsen discloses a transfer sheet used to form retroreflective graphic images on a garment such as a shirt or jacket. The graphic images comprise portions of different color. See for example, column 4, lines 41-45. Color is applied by a variety of techniques. See, for example, column 4, lines 32-41. Substrates bearing the transferred images exhibit good wash durability (i.e., launderability) and can exhibit good dry cleaning durability. See column 3, lines 45-52.

Because Olsen is directed to the application of retroreflective graphic images on clothing, he does not address the question of what happens to the images if the clothing is bent or folded. In fact, Olsen is entirely silent with respect to this question. He therefore, neither teaches nor suggests how to answer the question. As a result, Olsen neither teaches the claimed invention nor motivates one to make the changes needed to achieve the invention.

The Rejection Under 35 USC § 102(a) over Olsen

The basis for the Examiner's rejection is that Olsen teaches all of the claimed features of claims 66-70, 72-73, 75-82 and 87-103. Applicants traverse this rejection.

As noted above, Olsen fails to address the problem solved by Applicant's invention. It also fails to teach the spacing between graphic images that would be necessary to solve that

problem and achieve the present invention. Consequently, Olsen fails to disclose a critical element of claims 66, 98 and 103. Specifically, Olsen fails to teach the minimum gap length of claim 66; or the substantial identity of the spacing between segments of claims 98 and 103. Accordingly, Olsen cannot anticipate any of claims 66-70, 72-73, 75-82 or 87-103.

The Rejection under 35 USC § 103(a) over Olsen

The basis for the Examiner's rejection of claims 63, 64, 66-73 and 75-103 is that it would be a matter of routine design choice to modify Olsen to provide the optimum spacing between segments and/or the optimum length of the segments. Applicants traverse this rejection.

The standard that must be applied is whether the reference provides any motivation to do what the applicants have done. The standard is not that it would be a matter of routine design choice to solve a problem that Olsen knew nothing about.

Applicants submit that Olsen fails to see the problem and therefore cannot help to solve it. Olsen, therefore, clearly does not furnish any reason or encouragement to achieve the present invention and therefore cannot support the rejection under 35 USC § 103(a).

Common Ownership

Applicants believe that they have shown that the rejection of all claims under 35 USC 103(a) over Olsen is inappropriate. However, Applicants also submit the following statement:

United States Patent Number 5,620,613 (Olsen) and the present application (USSN 09/740,215) were, at the time the invention of the present application was made, were both owned by 3M Innovative Properties Company, a wholly owned subsidiary of the 3M Company.

Applicants submit that the present application is in condition for immediate allowance. Favorable action is requested.

Respectfully submitted,

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